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First Committee
24th meeting
Wednesday, 30 October 2002, 10 a.m.
New York

Chairman: Mr. Kiwanuka ..... (Uganda)

The meeting was called to order at 10.05 a.m.

Agenda item 59

Question of Antarctica

General debate, consideration of and action on draft resolutions

The Chairman: At this stage, I would like to suspend the meeting so that we can have the necessary consultations.

The meeting was suspended at 10.05 a.m. and resumed at 10.50 a.m.

The Chairman: Let me start with the First Committee. In accordance with our programme of work and timetable, we begin the fourth phase of our work: on general debate consideration of and action on draft resolutions submitted under agenda item 59, "Question of Antarctica".

In this connection I would like to draw the Committee's attention to the report of the Secretary-General contained in A/57/346.

I invite delegations wishing to participate in the debate kindly to add their names to the list of speakers as soon as possible in order to enable the Committee to fully utilize the conference facilities available to it.

Mr. Sarkowicz (Poland): I have the honour today of addressing the First Committee on behalf of the States parties to the Antarctic Treaty. The Antarctic Treaty parties are pleased to note that 23 June 2001 marks the fortieth anniversary of the entry into force of the landmark Antarctic Treaty, which was initially signed by 12 States in Washington on 1 December 1959. In those 40 years an additional 33 States have joined the original 12 signatories and become parties to the Treaty, bringing the total to 45 States representing more than 80 per cent of the world's population. Of those 45 States, 27 parties have been accorded Consultative Party status by virtue of their substantial scientific research activity in Antarctica.

Since the entry into force of the Antarctic Treaty, the Consultative Parties have adopted numerous regulatory measures to provide for the effective management and governance of Antarctica. By these means the Antarctic Treaty has successfully guaranteed that this vast continent remains dedicated to peace, international cooperation and scientific endeavour. The importance of Antarctic science, involving processes vital to the health of the entire planet and sustainable development for all humankind, is ever increasing.

Since the General Assembly last addressed the question of Antarctica, during its fifty-fourth session in 1999, the intervening period has witnessed further strengthening of the Antarctic Treaty. On 17 May 2001, Estonia acceded to the Treaty, becoming the forty-fifth party. An important milestone during the past three years has been the 10-year anniversary, on 4 October 2001, of the signing of the Madrid Protocol on Environmental Protection to the Antarctic Treaty. On 25 May 2001 Ukraine became the latest State to accede

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to the Protocol. There are now 29 parties to the Protocol, including all Consultative Parties and two non-Consultative Parties, Greece and Ukraine.

The main purpose of the Protocol, which entered into force on 14 January 1998, is to provide for the comprehensive protection of the Antarctic environment and dependent and associated ecosystems. To that end the Protocol designates Antarctica as a natural reserve devoted to peace and science. It prohibits mineral resource activities other than for scientific research and prescribes environmental principles and measures for the planning and conduct of human activity in Antarctica. The Protocol includes five annexes dealing with: environmental impact assessment; conservation of Antarctic fauna and flora; waste disposal and waste management; prevention of marine pollution; and area protection and management. All the annexes form an integral part of the Protocol. Annexes I through IV were adopted at the same time as the Protocol. Annex V, which was adopted subsequently, required separate approval by all Consultative Parties to enter into force. During the three-year period under review, the remaining Consultative Parties provided notification of their approval of recommendation XVI-10 containing the text of annex V to the Protocol. Consequently, annex V entered into force on 24 May 2002. States parties to the Antarctic Treaty have also been discussing one or more additional annexes to the Protocol to cover liability for environmental damage. In accordance with articles 11 and 12 of the Protocol, a Committee for Environmental Protection was inaugurated at the twenty-second Antarctic Treaty Consultative Meeting, held in Tromso, Norway, in 1998 to provide advice and formulate recommendations on the implementation of the Protocol for consideration by the Consultative Meetings.

Since the entry into force of the Protocol, the Committee has met annually five times in conjunction with the Consultative Meetings. It has now firmly established itself as the primary technical advisory body to the Antarctic Treaty parties. The Committee's work programme is significant and over the last three years the Committee has dealt with a broad range of issues including comprehensive environmental evaluation for major activities on the continent, procedures for the designation of specially protected Antarctic species and means to strengthen the Antarctic protected area systems.

The ongoing work of the Committee relates to issues including the environmental consequences of penetrating subglacial lakes and comprehensive revision of the various annexes to the environmental Protocol.

As officially designated observers to the Antarctic Treaty Consultative Meetings, the Scientific Committee on Antarctic Research (SCAR) and the Council of Managers of National Antarctic Programmes (COMNAP) are important elements of the Antarctic Treaty system. SCAR coordinates scientific research carried out by national Antarctic programmes, identifies priorities for international cooperation and advises the Treaty system on scientific aspects of environmental protection issues.

COMNAP advises the Treaty system on operational issues concerning the conduct of scientific research and environmental protection and also coordinates logistical support for multinational scientific research activities. COMNAP also develops guidelines for protecting the environment from operational activities and for enhancing the safety of land-, air- and ship-based operations, and encourages the adoption of best practices by the national programs. COMNAP and SCAR often work collaboratively on these and other subjects.

A key element of the Antarctic Treaty system is the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR). Since the fifty-fourth session of the General Assembly, the Convention has achieved the milestone twentieth anniversaries of its adoption, on 20 May 1980, and of its entry into force, on 7 April 1982. In the last three years, both Namibia and Vanuatu have acceded to the Convention, increasing the number of States parties to 31. Namibia also became a member of the Commission on the Conservation of Antarctic Marine Living Resources on 5 February 2001, thus increasing its membership to 24. The 21st meeting of the Commission is currently being held in Hobart, Tasmania, from 21 October to 1 November.

The Commission's activities cover a wide range of issues. In the last three years, the most significant have included continuing attempts to curb illegal, unregulated and unreported fishing in the Convention area; implementing a catch-documentation scheme for toothfish; developing an integrated fisheries management framework; assessing krill biomass in the

Atlantic sector of the area of the Convention; making greater efforts to eliminate seabird by-catch in long-line fisheries; and monitoring marine debris and their impact on Antarctic animals.

Work at the current session has focused on strengthening measures to combat illegal, unregulated and unreported fishing, in particular tighter flag State control and wider participation in the catch documentation scheme. Four non-CCAMLR parties are now participating in the scheme.

The success and ongoing development of the Antarctic Treaty system are largely attributable to the work performed by the annual Antarctic Treaty Consultative Meetings. Since the fifty-fourth session of the General Assembly, three such meetings have taken place: in The Hague, from 11 to 15 September 2000; in St. Petersburg, from 9 to 20 July 2001; and in Warsaw, from 10 to 20 September 2002. At each of those meetings, further steps were taken to strengthen the regulatory framework for Antarctica, thereby protecting the Antarctic environment.

At the 2000 Antarctic Treaty Special Consultative Meeting in The Hague, representatives, on the advice of the Committee for Environmental Protection (CEP), adopted revised management plans and extended the expiry dates of existing management plans for numerous specially protected areas and sites of special scientific interest. Also adopted was an extensive set of "Guidelines for implementation of the Framework for Protected Areas, as described in article 3, annex V, of the Environmental Protocol." The guidelines provide a set of tools to enable a more systematic assessment, selection, definition, and proposal of areas that might require greater protection in accordance with annex V of the Protocol.

The 2001 St. Petersburg Antarctic Treaty Consultative Meeting will be remembered in particular for the historic decision that was taken there to establish an Antarctic Treaty secretariat in the city of Buenos Aires. Resolutions were also adopted urging all Antarctic Treaty parties to implement the CCAMLR catch documentation scheme for toothfish and to take such legal or administrative steps as are necessary to preserve Antarctic meteorites for scientific purposes.

With regard to historical sites and monuments, the Meeting recommended that the parties review such sites and adopt a set of guidelines for handling pre-1958 historical remains. The Meeting also took steps to broaden information exchange and public access under the Treaty, recommending that the parties provide relevant information to a central information exchange web site to be hosted by Argentina, or provide that site with relevant links to where the information could be found. Furthermore, a process was initiated to review the status of recommendations, measures, decisions and resolutions adopted by all previous Meetings to determine which had been superseded or were otherwise obsolete.

The XXVth Meeting, held recently in Warsaw, continued to work on the establishment of the secretariat of the Antarctic Treaty. Draft instruments regarding the establishment of such a secretariat have been prepared. These texts, still under consideration, will be taken forward to the XXVIth Meeting, to be held in Madrid in June 2003. It is to be hoped that consensus will be achieved there on the conclusion of these modalities for the establishment of the Secretariat.

The Meeting held in Warsaw also adopted a decision on an emblem for the Antarctic Treaty, by converting the symbol used hitherto in practice into the formal emblem of the Treaty to be used by the Meeting, and by the Antarctic Treaty secretariat, once established. Revised guidelines for document translation and distribution were also adopted. These allow the use of modern means of communication in preparations for meetings. Several recommendations aimed at streamlining the work of the Meetings were also agreed, namely on the long-term planning of the agenda and the working groups and on the consultations between the host Governments of the current and the next Meeting.

The meeting also examined ways to shorten the time between the adoption and the entry into force of measures taken under article IX of the Treaty, by means of a fast-tracking mechanism for the entry into force of adopted measures. Discussions on this topic will be continued at the forthcoming Meeting in Madrid. On the advice of the CEP, the XXVth Meeting also adopted a measure on management plans for 13 Antarctic Treaty protected areas, while the naming and numbering of Antarctic specially protected areas was changed by means of decision 1 (2002).

Throughout the period under review, the Antarctic Treaty parties have continued to work towards establishing rules and procedures relating to

liability for damage arising from activities taking place in the Antarctic Treaty area and covered by the Environmental Protocol. Considerable progress has been made towards achieving consensus, and the Treaty parties will continue to work towards an effective annex on liability to the Environmental Protocol.

Another area of continuing work in progress is towards the development of guidelines for shipping in the Antarctic Treaty area. Increasing tourism and a trend towards larger passenger vessels necessitate guidelines designed to improve the safety and environmental protection standards of such vessels. It is envisaged that guidelines relating to Antarctic shipping will, in due course, be adopted by the International Maritime Organization by means of modifications to the Antarctic shipping guidelines already under scrutiny by that organization.

The Antarctic Treaty system is a constantly evolving mechanism. The Treaty is open to accession by all Members of the United Nations and any other State that might be invited, and the parties will continue to give special encouragement to all States with an active interest in Antarctica to accede to the Treaty and its environmental Protocol.

I am pleased to report that the commitment of the Antarctic Treaty parties to ensuring the effectiveness of the Treaty in protecting the Antarctic environment continues to be strong. The parties are also committed to ensuring that the use of Antarctica is limited to peaceful scientific purposes. To that end, the Treaty and its more recent environmental Protocol have proved remarkably effective in achieving the stated objectives.

Mr. Zainuddin (Malaysia): It has been three years since the Committee last met to consider this important subject. My delegation is grateful to the Secretary-General for his important report contained in document A/57/346. We note that the structure of the report is identical to that of its predecessor. The report is informative and provides useful updates on activities undertaken by the Antarctic Treaty system and several international bodies to promote the protection and conservation of the continent as a natural laboratory.

Malaysia commends the Antarctic Treaty Consultative Parties for their cooperation in sharing pertinent information, as called for by General Assembly resolution 54/45. We hope that this positive trend will continue to be strengthened.

My delegation is cognizant of the fact that the current report is more concise than that submitted at the fifty-fourth session because of the paging requirement. We hope that in future this limitation will not be adhered to too strictly, given the triennial nature of the report and the importance of furnishing the international community with adequate information on Antarctica. We hope that the report will, in future, be further expanded to include more detailed information for the broader membership of the Organization.

We wish to commend the United Nations Environment Programme for the role it has played in the process and for its input to the report. As a specialized programme of the United Nations dealing with the issue of the environment, it has an important and indispensable role to play in providing the link between the Antarctica Treaty system and the larger international community.

When this item was first introduced in 1984, during the thirty-eighth session of the General Assembly, few countries realized the importance of Antarctica to the well-being of the planet and humanity. That is no longer true, however. The debate on the question of Antarctica over the years in the United Nations has contributed significantly to raising the international community's interest in and awareness of the white continent — the last frontier on planet Earth. While the debate has acknowledged the achievement of the Antarctic Treaty system, it has also questioned the adequacy of what was essentially an exclusive arrangement in accommodating the concerns and interests of the international community.

We are gratified that, as a result of this constructive engagement, there is now greater transparency and accountability with regard to the Antarctic Treaty Consultative Parties' activities in Antarctica, as reflected in the periodic reports submitted to the General Assembly. Malaysia continues to believe that the United Nations, as a representative global body with a network of specialized organs such as UNEP, the Food and Agriculture Organization of the United Nations (FAO), the International Maritime Organization and the WMO, as well as the World Tourism Organization, is the most appropriate authority to monitor, administer and enforce the various scientific and non-scientific activities in Antarctica. We

note, however, that there has been a considerable broadening of cooperation between the Scientific Committee on Antarctic Research, the Commission for the Conservation of Antarctic Marine Living Resources and some United Nations specialized agencies. This cooperation should be further enhanced and intensified in the vital interests of protecting the Antarctic environment.

The entry into force on 14 January 1998 of the Madrid Protocol on Environmental Protection of the Antarctic Treaty was an important milestone in the efforts to preserve and protect the pristine environment of the southern continent as "world territory". Under the Protocol, Antarctica is recognized as a natural reserve devoted to peace and science. The Protocol prohibits mineral resource activities other than scientific research and establishes principles and measures for the planning and conduct of all human activities in the Antarctic Treaty area. Malaysia welcomes, in particular, the Protocol's 50-year moratorium on prospecting and mining in Antarctica and expresses the hope that this will constitute a first, but important, step towards a permanent ban on mining on the continent.

Although the Madrid Protocol is the most comprehensive environmental instrument regulating all human activities in Antarctica, its enforcement is based solely on the commitment of the parties. Malaysia urges the parties to the Protocol to continue to report on the status of their national implementation of the Protocol. We have noted that only 22 member countries submitted annual reports at the last two Consultative Meetings. It is not clear how many States parties submitted their reports at the recent Twenty-fifth Antarctic Treaty Consultative Meeting, held in Warsaw, as the Secretary-General's report was issued before the Meeting was held. Perhaps the Committee could be updated on that matter.

It was noted that at the Twenty-fifth Antarctic Treaty Consultative Meeting the issue of the establishment of a permanent secretariat for the Antarctica Treaty was discussed, and a consensus reached to locate the secretariat in Buenos Aires. We trust that the establishment of such a secretariat will, inter alia, further enhance transparency with regard to the activities of the Antarctic consultative parties.

My delegation is also concerned that the Antarctic Treaty Consultative Parties have yet to achieve full implementation on the question of liability for environmental damage. Such implementation is important, as it would encourage compliance and promote accountability among States members of the Antarctic Treaty. Without filling that gap, the Madrid Protocol will be perceived as being incomplete. Malaysia reiterates that a strict regime will send a clear message to the world that in Antarctica the protection of the environment is of paramount importance.

Related to this issue is that of drilling. We have been following with great interest the proposal by some States parties to drill in the largest freshwater lake on that continent, the pristine and unique 400,000-year-old Lake Vostok. With its palaeoclimatic mystery, that lake is a natural museum that should not be contaminated by imprudent actions. Otherwise, some of its vast store of potential information might be permanently lost or distorted. We believe that drilling and related activities for scientific purposes should be appropriately regulated and that all aspects of any activity must be thoroughly considered. In this regard, we welcome the decision by the Russian Federation to present a comprehensive environmental evaluation to the next meeting of the Committee for Environmental Protection.

It has also been noted that the tourism industry in Antarctica has been increasing in recent years. Overall, the statistics provided in the report of the Secretary-General show an upward trend of tourists' visiting Antarctica from the early 1990s to the early 2000s — an increase of some 82 per cent in the number of shipborne tourists. The highest record was for the 1999-2000 season, at 14,402. The presence of such a large number of human visitors and vessels will undeniably pose new challenges to the Antarctic environment. A concerted effort to mitigate its impact on the ecosystem, flora and fauna of Antarctica is urgently needed.

Equally important is the need to address the issue of unregulated and illegal fishing in the Southern Ocean, in particular of krill and Patagonian toothfish.

My delegation is continuing its consultations with the delegation of Poland, representing the ATCP, on this agenda item with a view to arriving at an agreement on a consensus or Chairman's text of the draft resolution to be introduced by you, Sir, at a later stage for action to be taken by this Committee. As the new draft resolution on this issue is largely an updating

of the resolution adopted in 1999, we should be in a position to submit it very shortly for appropriate action.

In conclusion, my delegation would like to express Malaysia's deep appreciation to Poland and the ATCP for the kind invitation extended to Malaysia to observe the proceedings of their Meeting, held in Warsaw recently. This is a further demonstration of the increased openness of the Consultative Parties, which we welcome and which augurs well for the future cooperation between them and non-ATCP countries.

My delegation commends the continuing cooperation of the ATCP and the rest of the international community in sharing information pertaining to the activities of the Antarctic Treaty. Notwithstanding the deficiencies of the ATCP system, which we hope will be overcome over time, we are gratified that the mechanism of dialogue and cooperation that the ATCP and non-ATCP countries have forged in the context of the United Nations is working well and has yielded tangible results.

It is the hope of my delegation that the final debate on the question of Antarctica in this Committee will continue to provide a forum in which those within the system and those outside it can engage in a meaningful dialogue and exchange of information on Antarctica. This process should be further strengthened to ensure that the best interests of mankind will be served. We look forward to closer and more constructive cooperation in the coming years. We also call on the ATCP to continue to implement their commitments under the Antarctic Treaty and the relevant United Nations resolutions, in accordance with the purposes and principles of the Charter.

Mr. Ahmad (Bangladesh): May I begin, Sir, by expressing the sincere appreciation of my delegation for your wise and effective handing of the affairs of the Committee during the past few weeks. We are nearing the successful conclusion of our work under your stewardship. My delegation would therefore like to congratulate you, the other members of the Bureau, as well as all our colleagues in the other delegations for a work well done.

May I also thank the Secretary-General for his very comprehensive yet concise report on the question of Antarctica, contained in document A/57/346. The report, while quite informative on the one hand, on the other evokes a lot of interest and curiosity in the reader to look for more information on the very important question of Antarctica.

Bangladesh, as a developing country grappling with the myriad challenges of development and poverty eradication, and being geographically far removed from Antarctica, has not been in a position to participate directly in the great scientific work that has been under way in Antarctica over past decades. However, that does not preclude our taking a keen interest in these matters. To the contrary, we believe that our future is closely tied to the findings of the various scientific research projects being pursued by different groups and countries in Antarctica. Therefore, we try to follow developments in this area as closely as possible.

We must therefore commend the Antarctic Treaty system and other international bodies, including the Scientific Committee on Antarctic Research, the International Hydrographic Organization, the United Nations Environment Programme and the World Meteorological Organization, for their excellent work in these areas. Their work in finding out more about climate changes, global warming, the depletion of the ozone layer, Earth sciences, life sciences — including human biology — and so on is truly invaluable.

Excellent work is also being done by individual countries and scientists in these areas. We are indebted to all the scientists, technologists and other individuals involved in these activities, who work under extreme conditions, risking their lives and making great sacrifices in the service of science and humanity.

From the Secretary-General's report, we understand that significant achievements have been made in the search for and dissemination of information in these areas in recent times. The report notes that there has been a considerable reduction in the emission of chlorofluorocarbon gases and other ozone-depleting agents over the years as a result of concerted efforts by nations and organizations. However, the report also notes that the springtime ozone hole over the Antarctic reached a record area of almost 30 million square kilometres in September 2000. While I am not fully aware of the implications of this information, as a layman I understand that this is a very serious and disturbing development with dangerous consequences for human health and for the environment as a whole. On the one hand, we are elated to learn about the various items of good news

coming from the people working in this field; on the other, we are concerned by the many disturbing findings that reach us every day from them.

My delegation calls on the concerned organizations, countries and individuals to continue their valuable work. We appeal to all concerned to see to it that arrangements to ensure that the benefits of these works can be shared by all countries and peoples of the world equally are further strengthened. We propose that efforts be made to arrange for better dissemination of up-to-date information gathered from ongoing activities in and around Antarctica to different parts of the world through regular seminars and workshops held in various locations, involving scientists, scholars and the Government officials of different countries, with particular emphasis on the participation of developing countries.

To quote from the Secretary-General's report, we are all aware that

> "The primary purpose of the Antarctic Treaty is to ensure, in the interests of all mankind, that Antarctica should continue forever to be used exclusively for peaceful purposes and should not become the scene or object of international discord. The Treaty provides for freedom of scientific investigation and promotes international cooperation in scientific research. It also prohibits any nuclear explosions in Antarctica and the disposal of radioactive waste material." (*A/57/346, para. 4*)

According to the Protocol on Environmental Protection, Antarctica is a natural reserve devoted to peace and science and mineral-resource activities other than scientific research are prohibited.

In conclusion, we call on all parties concerned to bear in mind the letter and the spirit of those pronouncements in all their activities in and around Antarctica.

The Chairman: Before adjourning the meeting, I should like to remind members that the deadline for submission of draft resolutions under the agenda item "Question of Antarctica" is 6 p.m. today, Tuesday, 30 October.

The meeting rose at 11.35 a.m.